

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/656,588

Filed: September 7, 2000

Inventors:

Michael J. Duigou, et al.

Title: Method and Apparatus for
Proximity Discovery of
Services

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Examiner: Blair, Douglas B.

Group/Art Unit: 2142

Atty. Dkt. No: 5181-72300

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Review of the rejections in the above-identified application is respectfully requested. Claims 1-33, 35-51 and 53-54 are pending in the application. The Examiner rejected claims 19-29, 35, 36, 39-49, 53 and 54 under 35 U.S.C. § 103(a) as being unpatentable over Hermann et al. (U.S. Patent 6,633,757) (hereinafter "Hermann") in view of Humpleman et al. (U.S. Patent 7,043,532) (hereinafter "Humpleman"), and claims 1-18, 30-33, 37, 38, 50 and 51 as being unpatentable over Hermann in view of Humpleman and in further view of Herman et al. (U.S. Patent 6,341,353) (hereinafter "Herman '353"). Appellants note the following clear errors in the Examiner's rejections.

Independent Claims 19 and 39

1. The cited art does not teach or suggest a client device configured to form a direct point-to-point communication link with the service device and support a transport connection in addition to the direct point-to-point communication link, and the client device further configured to provide a bridge from the transport connection to the direct point-to-point communication link.

The Examiner relies on a device in Hermann having an interface for a wireless point-to-point connection to teach the client device configured to form a direct point-to-point

communication link recited in claim 19. *See* Final Action, p. 4 (citing Herman, col. 6 lines 28-46, and col. 7 lines 62-64). In regard to the client device supporting an additional transport connection and the client providing a bridge from the additional transport connection to the direct point-to-point communication link, the Examiner cites Hermann, col. 9 lines 38-41, col. 14 lines 30-54, and col. 13 lines 27-31. *See* Final Action pp. 3, 5. However, all of the portions of Hermann cited by the Examiner refer to the same wireless connection that the Examiner uses to teach the direct point-to-point communication link of claim 19. The additional transport connection in claim 19 is not the same connection as the direct point-to-point communication link. Hermann and Humpleman do not teach a client device supporting a transport connection in addition to the direct point-to-point communication link, and the client device providing a bridge from the transport connection to the direct point-to-point communication link.

In the Advisory Action of July 27, 2007, pp. 2-3, the Examiner asks for a reference to Applicants' specification in regard to the transport connection. By way of example only, Applicants refer to Fig. 24 which illustrates one embodiment of a client device 1404 having direct point-to-point communication links 1414 and an additional transport connection 1412. Transport connection 1412 is described as a network separate from the direct point-to-point communication links 1414. *See* specification, p. 124. The client device 1404 bridges transport connection 1412 to one or more of the direct point-to-point communication links 1414 so that other devices on the transport connection (e.g., 1408, 1410) may access one or more services provided by one or more devices (e.g., 1400 or 1402) on the one or more direct point-to-point communication links 1414. In contrast, Hermann merely teaches devices that support a point-to-point wireless connection. Hermann does not teach a client device supporting a transport connection in addition to the direct point-to-point communication link, and the client device providing a bridge from the transport connection to the direct point-to-point communication link. Nor does Humpleman include any such teaching.

In the Advisory Action, p. 3, the Examiner also asks for examples of the transport connection of claim 19. The Examiner need look no further than the dependent claims which give an example of the transport connection as a network connection such as an Internet connection. *See* claims 35 and 36. The claimed client device bridges a transport connection (e.g.

network connection) to a direct point-to-point communication link (e.g., wireless RF or infrared connection). Such a bridging client device is not described by the cited art.

2. The cited art does not teach or suggest the client device directly requesting from the service device a document that describes an interface to access a service provided by the service device, the client device receiving said document directly from the service device over the direct point-to-point communication link, and the client device making said document available to other devices over the additional transport connection.

The Examiner refers to various portions of Hermann and Humpleman in regard to these limitations. *See* Final Action p. 5. However, none of the portions of the references cited by the Examiner describe a client device requesting and receiving such a document over a direct point-to-point communication link and making the document available to other devices over an additional transport connection. The portions of Hermann cited by the Examiner all pertain to the same wireless connection. Also, the Examiner acknowledges that Hermann does not teach a document as recited in claim 19. Applicants also note that the document is Humpleman is not requested and received by a client device over one connection and made available to other devices over another connection. Thus, the combination of Hermann and Humpleman clearly does not teach or suggest Applicants' claimed invention.

Similar arguments as discussed above in regard to claim 19 also apply to independent claim 39. To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. For at least the reasons discussed above, Applicants assert that the Examiner has not shown a *prima facie* case of obviousness in regard to independent claims 19 and 39. Accordingly, withdrawal of the rejection is respectfully requested.

Independent Claims 1, 37 and 38

1. The cited art fails to teach or suggest the client device using the information from the document to access the service, wherein said using the information comprises a

client on the client device requesting a security credential from an authentication service specified in the document.

The Examiner acknowledges that Hermann does not teach the above-noted limitations of claim 1. The Examiner relies on Humpleman to teach an interface document. However, as discussed above in regard to claim 19, the document in Humpleman is not requested and received by a client device from a service device. Furthermore, the document in Humpleman does not specify an authentication service. The Examiner also relies on Herman '353, citing column 42, line 59 to column 43, line 31. *See* Final Action pp. 8-9. However, Herman '353 merely teaches a "smart receipt" system in which a smart receipt is delivered from a merchant to a Trusted Agent Server where it is made available to the customer. Herman '353's smart receipts, even if combined with Hermann and Humpleman, would not result in the above-noted limitations of claim 1. Herman '353's smart receipts "electronically document a transaction between two parties". Herman '353 does not describe a smart receipt as having anything to do with *requesting a security credential from an authentication service specified in the document*, as recited in claim 1. The mere fact that Herman '353's smart receipts are "delivered over a secure connection" does not teach, suggest, or imply a *client requesting a security credential from an authentication service*, as the Examiner argues. Also, the smart receipt in Herman '353 is not included in a document that describes an interface to access a service where the document is requested and received by a client device from a service device providing the service, as recited in claim 1. Herman '353's smart receipt and secure connection clearly do not teach such a document.

In response to the above argument at p. 3 of the Advisory Action, the Examiner argues that Applicants' claim does not specify that the security credential is provided to the client before the service is accessed. The Examiner appears to have misunderstood Applicants' argument. Herman '353 teaches that the smart receipt is generated "to electronically document a transaction" "at the conclusion of a successful transaction." This teaching clearly has nothing to do with *requesting a security credential from an authentication service specified in the document received by the client device from the service device*, as recited in claim 1. Furthermore, the Examiner's reliance on the Herman's statement that, "[a]uthentication that uses SSL should use SSL certificates" is misplaced. This statement by Herman '353, even if

combined with Hermann and Humpleman, does not teach or suggest a *client requesting a security credential from an authentication service specified in the document received by the client device from the service device.*

Similar arguments apply to independent claim 37. In regard to claim 38, for similar reasons as discussed above, the cited art clearly does not teach or suggest an interface configured to receive over the point-to-point communication link a request from a client for a document that describes an interface to access the service, wherein the interface is further configured to provide said document directly to the client over the point-to-point communication link and an authentication service configured to receive a request from the client for a security credential. To establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. For at least the reasons discussed above, Applicants assert that the Examiner has not shown a *prima facie* case of obviousness in regards to independent claims 1, 37 and 38. Accordingly, withdrawal of the rejection is respectfully requested.

In light of the foregoing remarks, Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested. If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5181-72300/RCK.

Respectfully submitted,

/Robert C. Kowert/

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